

Congress of the United States
Washington, DC 20510

September 17, 2013

The Honorable James R. Clapper, Jr.
Director
National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Dear Director Clapper:

Twice last year, we wrote you and then-Secretary Panetta urging you to re-evaluate the national security clearance process to better protect service members who sought counseling for sexual trauma. While we appreciate your response and commitment to revisit this issue, we are concerned that question 21 remains a deeply troubling and problematic question for survivors of sexual assault.

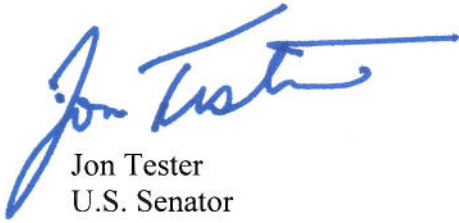
As you recall, we asked you to revise question 21 of the Standard Form 86 (SF 86), which is used by military personnel and government employees to apply for a security clearance. Question 21 asks whether applicants have consulted with a mental health professional for a mental health-related condition. If the applicant answers in the affirmative, they are directed to sign an authorization for release of medical information – allowing an investigator complete access to the individual's file and to ask the survivor or relevant health care provider any questions he or she deems appropriate. Even though the preamble of the revised question 21 recognizes the critical importance of getting mental health treatment, it is not enough to instill confidence in many applicants who have sought mental health treatment that their application will be treated fairly. It is past time that you provide guidance making survivors of sexual assault exempt, thereby allowing them to answer "no" to question 21.

We appreciate your April 2013 policy guidance which reflected our specific request. As you attested at the time, reforming the security clearance process will positively impact national security and support victims of sexual assault who have consulted with a healthcare professional. However, the final revision of SF 86 recently published in the Federal Register did not include your guidance to question 21. We strongly urge you to reconsider this matter, and reinstitute the explicit exemption to question 21 for survivors of sexual assault. After all, we must protect the survivors of these terrible crimes and do everything in our power to prevent such assaults from happening in the first place. Additionally, Montanans and Mainers who have sought counseling for sexual trauma tell us they will not apply for positions which require a security clearance until question 21 is revised. On their behalf, we are hopeful you will take quick action to make this right.

Being a victim of sexual assault should not preclude a service member from gaining or maintaining a security clearance. As you recognized in April, we need to do everything we can to support survivors of sexual assault—not keep them from getting the care they need or jeopardizing their ability to provide for themselves and their families.

Thank you very much for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester", with a long horizontal flourish extending to the right.

Jon Tester
U.S. Senator

A handwritten signature in blue ink, appearing to read "Chellie R.", with a long horizontal flourish extending to the right.

Chellie Pingree
U.S. Representative

cc:

Office of Management and Budget, Director, Sylvia Mathews Burwell